DT03 Rec'd PCT/PTO 30 DEC 2004

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FORM PTO-1390 MODIFIED	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTORNEY'S DOCKET NUMBER 2590-108
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) 10/519492 Unknown
INTERNATIONAL APPLICATION NO. **PCT/CH2003/000437**	INTERNATIONAL FILING DATE **2 July 2003**	PRIORITY DATE CLAIMED **3 July 2002**

TITLE OF INVENTION

IMPLANT INSERTING DEVICE

APPLICANT(S) FOR DO/EO/US

MATHIEU et al

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The U.S. has been elected (Article 31).
5. A copy of the International Application as filed (35 U.S.C. 371(c)(2)).
   a. ☐ is attached hereto (pages specification, claims & abstract (claims), sheets drawings).
   b. ☒ has been communicated by the International Bureau.
   c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ **An English language translation of the International Application as filed (35 U.S.C. 371(c)(3))**
   a. ☒ **is attached hereto (8 pages specification & claims (11 claims), 3 sheets drawings.**
   b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
   a. ☐ are attached hereto (required only if not communicated by the International Bureau).
   b. ☐ have been communicated by the International Bureau.
   c. ☐ have not been made; however, the time limit for making such amendments has **NOT** expired.
   d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. a. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
   b. ☐ Declaration was submitted to the International Bureau during International Phase (see copies of Declaration (page Form PCT/RO/101 and Form PCT/IB/371 and first page of printed publication acknowledging receipt thereof attached).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 To 20 below concern document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31 is included.
13. a. ☒ A FIRST preliminary amendment.
    b. ☐ A SECOND or SUBSEQUENT preliminary amendment.
14. ☐ An Application Data Sheet under 37 C.F.R. § 1.76.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information. (1) Front page of published WO 2004/004822; (2) Form PCT/IB/308 and (3) Notification of Change (Form PCT/IB/306)

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U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5)	INTERNATIONAL APPLICATION NO.	ATTORNEY'S DOCKET NUMBER
Unknown 10/519492	PCT/CH2003/000437	2590-108

21. ☒ The following fees are submitted:

BASIC NATIONAL FEE (37 C.F.R. 1.492(a)(1)-(5):		
☒ a) Basic national fee $300.00	$	300.00
☒ b) Examination Fee $200.00	$	200.00
☒ c) Search Fee $500.00	$	500.00
TOTAL OF ABOVE CALCULATIONS $1000.00	$	1000.00

☐ Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is **$250** for each additional 50 sheets of paper or fraction thereof.

Total Sheets	Extra Sheets		Number of each additional 50 or fraction thereof (round **up** to a whole number	RATE		
-100	0	/50 =	0.00	X $250.00	$	0.00

Surcharge of $130.00 for furnishing the oath or declaration later than ☒ 30 months from the earliest claimed priority date (37 C.F.R. 1.492(e)). $ 130.00

CLAIMS	NUMBER FILED		NUMBER EXTRA	RATE			
Total Claims	11	minus 20 =	0	X	$50.00	$	0.00
Independent Claims	1	minus 3 =	0	X	$200.00		0.00
MULTIPLE DEPENDENT CLAIMS(S) (if applicable)					$360.00	$	

Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) ($120.00/1 month; $450.00/2 months; $1020.00/3 months	$	0.00
TOTAL OF ABOVE CALCULATIONS =	$	**1130.00**
☐ Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by one half.		0.00
SUBTOTAL =	$	**1130.00**
Processing fee of $130.00, for furnishing the English Translation later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 C.F.R. 1.492(f)). +		0.00
TOTAL NATIONAL FEE =	$	**1130.00**
Fee for recording the enclosed assignment (37 C.F.R. 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 C.F.R. 3.28, 3.31). **$40.00** per property +	$	0.00
Fee for Petition to Revive Unintentionally Abandoned Application ($1500.00 – Small Entity = $750.00)	$	0.00
TOTAL FEES ENCLOSED =	$	**1130.00**
	Amount to be: refunded	$
	Charged	$

a. ☐ A check in the amount of $0.00 to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. 14-1140 in the amount of $_____ to cover the above fees. A duplicate copy of this form is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-1140. A duplicate copy of this form is enclosed.

d. ☒ **CREDIT CARD PAYMENT FORM ATTACHED.**

e. ☒ The entire content of International Application No. **PCT/CH2003/000437** and any U.S. and foreign application(s) corresponding thereto, and PCT/CH02/00360, referred to in this application is/are hereby incorporated by reference in this application.

NOTE: Where an appropriate time limit under 37 C.F.R. 1.494 or 1.495 has not been met, a petition to revive (37 C.F.R. 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

CORRESPONDENCE ADDRESS

Direct all correspondence to:

☒ **Customer Number:** **23117**

Type Customer Number here

Telephone: (703) 816-4000

DMB:lmy

Duane M. Byers
NAME

33,363 **December 30, 2004**
REGISTRATION NUMBER Date